STRESS AT WORK
European autonomous framework agreement
Presentation-Implementation

Rednal, November 21st, 22nd 2009
UK National Work stress network
Annual conference

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General context / Genese

- EU major cause of concern
  - Health effects on individual workers
  - Economic impact on business and social costs /50% of lost working days

- Figures
  - 28% of European workers / 41 millions workers
  - 29% women / 28% men
  - Technicians, (35%), managers (32%), clerks (25%)
General context in the European Member States

HETEROGENEITY

- Marked difference in design and provision of guidance between the north and north west and south (except SP) in the European Union

- DEN, FIN, SWE, AU, G, IR, NL and UK: most governmental and organisational guidance on WRS

- DEN, FIN, SWE: targeted on blue collars workers

- AU, G, IR, NL and UK: target entire cross section of the workforce

- Differences in national legislation and its enforcement (role of labour inspectorates)
Stress at the workplace - Institutional agenda

Intention of the EU Commission to consult EU Social partners / Work program of the EU Social partners 2003-2005

European Social Agenda of Nice

EU Guidance on work related stress “Spice of life or kiss of death?”

EU report on work related stress

Commission Guidance on risk assessment at work

EU preparatory work
Consultation process under Art. 138(2) EC Treaty

**COMMISSION**
- proposal in the social policy field
- if Community action is desirable
- where appropriate, Commission follow-up

**SOCIAL PARTNERS**
- consultation on possible direction
- consultation on the content of the envisaged proposal
- opinion or recommendation or failure
  - if Community action is desirable
  - where appropriate, Commission follow-up
  - where appropriate, Commission follow-up
  - joint request
  - initiation negotiation
- negotiation 9 months
- agreement

**Council decision > Directive**
- Framework agreements > Directive
- 1995 Parental leave - 2009
- 1997 Part time work
- 1999 Fixed term work

**Implementation in accordance with procedure and practices specific to management and labour**
- 2002 Lifelong learning (framework of actions)
- 2002 Telework
- 2004 Stress at work
- 2007 Harassment and violence at work
## Negotiation process

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<td>Employers</td>
<td>Workers</td>
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<td>UNICE</td>
<td>ETUC</td>
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<td>UEAPME</td>
<td>EIF; Euro cadres</td>
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<td>CEEP</td>
<td>Representatives of some new Member States: Hungary, Czech Republic and Estonia; EEA</td>
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**Signatory parties:**
- John Monks, General Secretary of the ETUC
- Dr. Jürgen Strube, President of UNICE
- Paul Reckinger, President of UEAPME
- Rainer Plassmann, General Secretary of CEEP

Implementation: 8 Oct. 2007
1. Introduction
2. Aim
3. Description
4. Prevention, Identification and management of problems of stress at the work place
5. Implementation clauses
1. Introduction

• Stress is a common concern for the social partners: it is an increasing & worrying phenomenon at work

• A need for a specific joint action has been identified

• Broad coverage of work related-stress situations (All workers & all companies are concerned, SME’s, diversity of working contracts or relationships)
2. Aim

- Prevention is a joint action-oriented task
- Including health & safety, but also: work content, work environment & organisation
- All parties should: identify, prevent and manage WRS
- In a collective perspective (no focus on the individual)
- With action-oriented instruments
- Issues such as mobbing, bullying, physical or sexual violence, post-traumatic stress are potential stressors
- … but they are excluded from this agreement, as they could be part of future negotiations between the EU social partners
3. Description

• Stress is a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them.

• The individual is well adapted to cope with short-term exposure to pressure, but has greater difficulty in coping with prolonged exposure to intensive pressure.

• Stress is not a disease but prolonged exposure to it may reduce effectiveness at work and may cause ill health.

• Stress originating outside the working environment can lead to changes in behaviour & reduced effectiveness at work. All manifestations of stress at work cannot be considered as work-related stress.

• Work-related stress can be caused by different factors such as work content, work organisation, work environment
4. Identification, prevention and management of problems of stress at the workplace

a. Identification

List of potential stress indicators

• high absenteeism or staff turnover, frequent interpersonal conflicts or complaints by workers

⇒ Employers & workers have to act jointly if such indicators (signs) are present

Preventive tools

⇒ Analysis of work organisation and processes
⇒ Analysis of working conditions and environment,
⇒ Communication
⇒ Subjective factors, etc…
b. Management

- Legal obligation to protect the occupational safety and health of workers: Directive 89/391.
- The responsibility for determining the appropriate measures rests with the employer.
- These measures will be carried out with the participation and collaboration of workers and/or their representatives.

**Tools**

- within an overall process of risk assessment,
- through a separate stress policy
- Collective and/or, individual measures. Specific and/or targeted measures
- Internal and/or external expertise
- Anti-stress measures should be regularly reviewed to assess their effectiveness
b.bis Management

Management and communication measures
- Clarifying the company’s objectives and the role of individual workers,
- Ensuring adequate management support for individuals and teams,
- Matching responsibility and control over work,
- Improving work organisation and processes, working conditions and environment,

Training managers and workers
To raise awareness and understanding of stress, its possible causes and how to deal with it, and/or to adapt to change

Provision of information to and consultation with workers and/or their representatives
in accordance with EU and national legislation, collective agreements and practices.
5. Implementation and follow up

- Implementation period of 3 years; Non additional burden for SMEs
- Commitment of members organisation of the signatory parties to implement the agreement
- Invitation to the candidate countries
- Review: at any time after 5 years on the request of one of the signatory parties
- Move the “Non regression clause” and “More favourable clause” to the implementation for more coherence.
- “Voluntary” refers to the procedure of Art. 139 and not to the content of the agreement
Autonomous framework agreement implementation agenda

Signature
8 Oct. 2004

1st regional implementation seminar

ETUC implementation guide

ETUC translation

2nd regional implementation seminar

ETUC website
http://resourcecentre.etuc.org/

Final conference

Implementation
8 Oct. 2007

SDC report

SDC report

SDC report

SDC report

SDC final report

2004  2005  2006  2007  2008
Phase I: Dissemination activities

Translation of the European framework agreement

• English text = only original version

• Purely technical exercise or often first step to identify further implementation action

• Several countries annexed/integrated translation to/in the concrete implementation results (e.g. Spain, Sweden, Netherlands, Austria, Czech Republic)

• In all cases translation resulted from bipartite dialogue and sometimes within tripartite setting with help from public authorities (e.g. Slovenia)
Phase I: Dissemination activities

National activities

- Information campaigns via employers’, trade union and/or general media
- Newsletters (e.g. Czech Republic, Greece, UK, Germany)
- Internet/respective websites (in almost all countries)
- Joint or separate seminars (e.g. Germany, Finland)
- Specific brochure (e.g. Latvia, Netherlands, Czech Republic, UK)
- Other tools like information or training CD-roms (Germany)
Monitoring of the implementation

Phase I: Dissemination activities

Transnational activities

• Polish social partners – joint conference with colleagues from LT, MT, IT and SI

• Joint / separate activities by BUSINESSEUROPE, UEAPME CEEP and ETUC (seminars, brochures, websites, support programmes, etc.)

• European Sectoral social dialogue:
  • Joint Statement Construction sector (EFBWW and FIEC – Jan 2006)
  • Joint Declaration Electricity sector (EPSU & EMCEF, Eurelectric - Dec 2007)
  • Joint Declaration Private Security sector (UNI-Europa & COess - June 2008)
  • ETUCE (ETUC affiliate for education) implementation project
Monitoring of the implementation

Phase II: Concrete implementation results

- Social partners’ agreements
- National, sectoral and regional collective agreements
- Legislation
- Tripartite activities
- Complementary activities
Monitoring of the implementation

Social partners’ agreements

- **Sweden**: Joint national agreement for private (2005) and public sector (2006)
- **Austria**: Joint interprofessional guidelines (2006)
- **Finland**: Joint recommendation by all interprofessional social partners (private, state, municipalities and churches) (2007)
- **Latvia**: interprofessional framework agreement (2006)
- **Ireland**: interprofessional social partners’ guide (2007)
- **Netherlands**: update of existing national joint declaration
- **Spain**: integrated in annual interprof. Agreement (ANC/2005)
- **Czech Republic**: separate trade union and employers’ recommendation to lower level bargaining negotiators
Monitoring of the implementation

National, sectoral, regional and company collective agreements

National
- 2006 Romania (Sept)
- 2007 Belgium (of 1999 but extended); Iceland (June 2007); France (July)
- 2008 Italy (June)
- Work in progress/scheduled: Hungary, Spain, Slovenia, Poland, Slovak Republic, Luxemburg, Czech Republic, Portugal

Sectoral
- Denmark: renewed Cooperation Agreements for local government (2005), regional authorities (2006) and state sector (2005) + in state sector a substantial guide on how to best implement the agreement
- Netherlands: sectoral agreements in amongst others finance, cleaning, carpentry, hotel and catering, agriculture and public sector
- Sweden: municipal sector (April 2005) and “local enterprises” (2007)

Company level
- Sweden: Fastigo
- Germany: Daimler, Gothaer Versicherungen, Debeka Versicherungen
- Portugal: EDP Produção, CP-E.P. (Portuguese railway) and Montepio Geral (bank sector)
Monitoring of the implementation

Legislation / Legislative changes

- **Belgium**: Royal Decree extending national collective agreement private sector of 1999 to the whole public sector (2007)
- **Czech Republic**: new chapter on work-related stress in new Labour Code (2006)
- **Denmark**: social partners in private sector that European agreement is sufficiently implemented through existing rules and regulations
- **Latvia** and **Slovak Republic**: implementation led to changes in labour law
- **Poland**: in view of the foreseen implementation negotiations, social partners asked public authorities to “screen” to see whether and where eventual changes are needed to align with European agreement
- **Norway**: the Norwegian Environment Act is considered to sufficiently covering the content of the EU agreement
Monitoring of the implementation

Tripartite activities

- **Slovenia**: tripartite social agreement 2007-2009 whereby social partners commit themselves to conclude specific collective agreements
- **UK**: specific working group overseeing implementation + jointly funded specific booklet + specific projects in most prone sectors (central government, local government, health services, Education)
- **Hungary, Luxemburg**: tripartite discussions ongoing
- **Latvia**: educational campaigns of social partners together with Labour Inspectorate and Ministry of Health
- **Netherlands**: in cooperation with Ministry of Social Affairs, social partners created new web-based risk-assessment tools
- **Norway**: social partners/Ministry of Government Administration and Ministry of Labour renewed existing agreement which also covers aspects of tackling work-related stress + joint specific brochure of Labour Inspectorate and social partners
- **Portugal**: new protocols between social partners and authorities to fund studies, training and awareness-raising activities
Challenges in implementation

1. Linked to the Industrial relations / social dialogue systems

- **Lack of experience** in implementing autonomous agreements (in particular in new member states) (e.g. CZ, PL, SI)
- But the **experiences gained help** in building/enforcing bipartite social dialogue structures and processes (e.g. PL, SI, HU)
- **Positive experiences** in including organisations which are not affiliated to any of the European social partners in implementation process (e.g. PL, AT, NO, SI)

2. Linked to topic of work-related stress (WRS)

- In most cases, **WRS is already dealt with by EU and national regulations** so no real need for new regulations but rather fine-tuning existing ones
- **WRS is a broad and multifaceted topic**: difficult to describe/define; work organisation as stress factor; appropriate risk assessment and evaluation systems (in particular for SME’s)
- **Lack of awareness in society** in large
Added value of the agreement

- Existence of European agreement and obligation to implement it created momentum to step up efforts and make progress for new rules or fine-tuning existing ones
- WRS and psycho-social problems at work become (again) priority in OHS strategies and policies
- Allowed to focus – as intended by the agreement- on concrete work place actions to handle WRS
- As this is 2nd autonomous agreement, experiences are growing on how to implement them and help in developing/reinforcing social dialogue processes and structures
Conclusions

- An agreement with clear and real added value,
- A catalyst for action and awareness
- Development of social dialogue
  - European and national social partners learned (again) some lessons on how to improve the respective social dialogue systems
  - Support from ETUC (Delegation of affiliates to negotiation rounds, ETUC guide/website, (regional) Information and training sessions, monitoring exercise, ETUI support for ad hoc requests)
  - Real impact assessment only possible in few years
- Need for increased participation of social partners in transposition process:
  - Implementation of the EU directive/framework agreement
  - Correct translation and interpretation (ETUC guide to framework agreement)
  - To improve domestic transposition provisions – also above the minimum requirements of the EU directive/framework agreement

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Social Partners’ Framework Agreements

Dialogue between the European social partners exists at both cross-sectoral and sectoral level. The participants in the cross-sectoral social dialogue – ETUC, BUSINESSEUROPE (private sector employers)/UEAPME (small businesses), and CEEP (public employers) – have concluded a number of agreements that have been ratified by the Council of Ministers and are now part of European legislation, notably on:

- parental leave (1996) revised
- part-time work (1997)
- fixed-term contracts (1999)

The social partners have also concluded voluntary agreements on telework (2002), work-related stress (2004), and on harassment and violence at work (2007).

» **Framework agreement on parental leave (revised)**
   Brussels, 18/06/2009

» **Framework agreement on harassment and violence at work**
   Brussels, 26/04/2007

» **Framework agreement on work-related stress**
   Brussels, 08/10/2004

» **Framework agreement on telework**
   Brussels, 16/07/2002

» **Framework agreement on fixed-term contracts**
   Brussels, 28/06/1999

» **Framework agreement on part-time work**
   Brussels, 15/12/1997